

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Thomas Luebke, et al.
Serial Nos.: 09/884,518
Filing Date: June 19, 2001
Title: HAND DRILL ATTACHMENT
Group Art No: 3711
Examiner: W. Pierce

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. § 1.132

Sir:

I, David Huebschen, hereby declare that:

1) I am an Engineering Leader employed at GB Tools and Supplies, Inc., a division of Actuant Corporation, the assignee in the above-captioned Hand Drill Attachment patent application.

2) In my capacity as Engineering Leader, I have been part of the development of various tools for home-owners and service contractors in the electrical tools and supplies industry. I have been involved in the electrical circuit and mechanical design of such tools at GB Tools and Supplies for the past one and one-half years, and prior to that worked for Milwaukee Electric Tool, a major manufacturer of power tools and supplies, developing electrical tools for seven and one half years.

3) The Hand Drill Attachment patent application discloses and claims a drill accessory which is removably attachable to a drill housing, as well as a combination drill and drill accessory. The drill accessory includes an electronic device for detecting subsurface objects, also known as a stud seeker or stud finder, and an attachment member which is received on a mounting surface of the hand drill housing. The drill accessory is removable for use in detecting a subsurface object, such that a surface of the drill attachment can be moved in proximity to a wall or other flat surface to provide optimal detection. The drill accessory is easily replaced on the drill. Therefore, the user wastes a minimal amount of time in retrieving and storing the object detector.

4) The hand drill attachment was developed in response to a need in the industry for an easy way to store an object locator or stud seeker while operating a drill. The removable attachment simplifies drilling operations and prevents the stud seeker from becoming separated from the drill.

5) Numerous subsurface object locators are known in the art for detecting hidden wall studs by electronic means. Most existing object or stud finders are provided separately from the drill. These stud finders pose a problem because the user must put the stud finder down between drilling operations. Storing and retrieving the stud seeker slows the drilling process, and, further, can result in a lost stud finder.

6) On information and belief, S-B ("Skil-Bosch") Power Tool Corporation is a major international maker and distributor of power hand tools. Skil-Bosch produces a wide array of power tools, manufacturing and distributing power tools and accessories under the Bosch, Skil and Dremel brand names in North America. Skil-Bosch is a

wholly-owned subsidiary of the Bosch Group, which develops, manufactures, and distributes portable electric power tools on a global scale, having total sales of \$33 billion dollars in 2002. Skil power tools have been produced and sold in the United States since 1924, and internationally since 1960. Skil-Bosch is extremely familiar with the industry, and, due to extensive consumer surveying and testing, with the needs of the industry.

7) Skil-Bosch has taken a license to the technology disclosed in the above-referenced patent application.

8) On information and belief, in taking the license in January, 2002, Skil-Bosch estimated sales of over 150,000 units in the first year, and 200,000 units in successive years.

9) On information and belief, Skil-Bosch released a drill having a removable stud seeker as claimed in the above-referenced patent application in July, 2002, following extensive consumer research. The product is available through major hardware and home supply chains such as Home Depot, through discount stores such as Target and Walmart, and online through retailers such as Amazon.com.

10) Upon release of the product, Skil-Bosch issued a press release in August of 2002 noting the need for a product including a stud seeker removably attached to a drill, touting the importance of the stud seeker attachment in improving ease of use of the drill, and noting the importance of the stud seeker attachment in solving common challenges to the user.

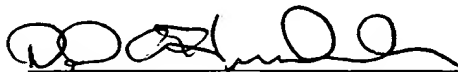
11) In the third and fourth quarters of 2002 alone, Skil-Bosch produced approximately 174,000 units, exceeding the estimate for 2002. The royalties paid resulted in approximately \$87,000 of revenue to assignee GB Tools and Supplies in the third and fourth quarters of 2002.

12) Based upon my personal knowledge of the above statements, I believe that the hand drill attachment was not obvious to one of ordinary skill in the art at the time it was made.

13) I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Further declarant sayeth not.

Dated: 06/02/03



David Huebschen
GB Tools and Supplies, Inc.

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Stud Finder and Bit Index

SKIL UNVEILS CORDLESS STUD FINDER AND BIT INDEX DRILL SYSTEMS

Detachable stud finder and bit index accessories provide more accuracy for Do-It-Yourselfers.

CHICAGO, August 11, 2002— Skil Power Tools® introduces a new line of Yourself project-focused cordless drills. Designed to match a drill/driver w commonly used tools, the detachable accessory systems are a natural par home improvements.

Skil's consumer research indicates that one of the most commonly used it cordless drill is a stud finder – a tool used to find studs hidden behind fini drywall. Based on that need, Skil designed their cordless drill with a "slid on top to house a detachable stud finder. This feature not only saves the from having to purchase a separate stud finder, but also keeps the to pro together for easy access and use.

"The new cordless drills are designed to help solve common Do-It-Yourse challenges," said Tim LeBeau, Skil cordless product manager. "By linking finder with the drill, adding a keyless chuck and developing an ergonomic handle, we are not only improving, but also simplifying the home improve process."

The new drills incorporate a detachable stud-finder, a six-position clutch, keyless chuck and an ergonomically designed soft grip handle. Skil's new drills are available in 12-volt, 14-4 volt and 18-volt versions to fit any Do Yourself's need.

Additional detachable accessories, such as a drill bit index that allows a d yourselfer to easily identify screw and drill bit sizes, will also be available Skil cordless drills. Skil plans to launch other detachable accessories for i the future to allow Do-It-Yourselfers to mix and match accessories to suit



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